

*Counsel for counterdefendants, A.D. Sutton & Sons, Inc., Bio World Merchandising, Inc. d/b/a Bio Domes Headgear, Boston America Corp., Briefly Stated, Inc., Clean Fun Promotional Marketing, Inc., C-Life Group, Ltd., Coffee Legends, Inc., Desperate Enterprises, Inc., Horizon NY Inc., Houston Harvest, Inc., Innovative Designs LLC, Jack Guttman, Inc., d/b/a Bakery Crafts, Kolder, Inc., Plasticolor Molded Products, Inc., Robison's, Inc. d/b/a Power Trip, Spectore Corp., Stretch-O-Rama, Inc. d/b/a Longstreet, Technicraft Industries, Inc., The Hut LLC, Unisystems, Inc. d/b/a Modern Publishing, Vending Supply, Inc., Whiteside Manufacturing Company, W.R. Case & Sons Cutlery and You and Me Legwear LLC*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ORANGE COUNTY CHOPPERS, INC., a New York  
Corporation,

Plaintiff,

vs.

OLAES ENTERPRISES, INC. d/b/a ODM, a California  
Corporation,

Defendant.

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OLAES ENTERPRISES, INC. d/b/a ODM, a California  
Corporation,

Counterplaintiff,

vs.

ORANGE COUNTY CHOPPERS, INC., a New York  
Corporation, ORANGE COUNTY CHOPPERS  
MERCHANDISING LLC, a New York limited liability  
company, ORANGE COUNTY CHOPPERS LICENSING  
LLC, a New York limited liability company, A.D.  
SUTTON & SONS, INC., a New York corporation,  
BOX LIMITED, a United Kingdom business entity,  
BIKERS SPORT DESIGN LLC, a North Carolina limited  
liability company, BIO WORLD MERCHANDISING,  
INC. d/b/a BIO DOMES HEADGEAR, a Texas  
corporation, BOSTON AMERICA CORP., a Massachu-  
setts corporation, BRIEFLY STATED, INC., a New York  
corporation, W.R. CASE & SONS CUTLERY, a  
Pennsylvania corporation, CLEAN FUN PROMOTIONAL  
MARKETING, INC., a California business entity, C-LIFE  
GROUP LTD., a New York corporation, COFFEE  
LEGENDS, INC., an Arkansas corporation, CYCLE

Hon. Colleen McMahon

Civil Action No.  
06-CV-7211 (CM)

ECF CASE

**JOINT**  
**NOTICE OF MOTION**

EXPRESS, INC., a New York corporation, DESPERATE :  
 ENTERPRISES, INC., a Nevada corporation, :  
 EVANDALE GIFTS LLC, a New York limited liability :  
 company, HORIZON NY INC., a New York corporation, :  
 HOUSTON HARVEST, INC., a Delaware corporation, :  
 INNOVATIVE DESIGNS LLC, a New York limited :  
 liability company, JACK GUTTMAN, INC. d/b/a :  
 BAKERY CRAFTS, an Ohio corporation, KOLDER, :  
 INC., a Texas corporation, LITTLE KIDS PREFERRED :  
 LLC, a New Jersey limited liability company, STRETCH- :  
 O-RAMA, INC. d/b/a LONGSTREET, a New York :  
 corporation, MITCH DOWD, an Australian business :  
 entity, UNISYSTEMS, INC. d/b/a MODERN :  
 PUBLISHING, a Delaware corporation, NATIONAL :  
 PRODUCTS LIMITED, a Hong Kong business entity, :  
 NEET FEET LTD., an Australian business entity, :  
 PLASTICOLOR MOLDED PRODUCTS, INC., a :  
 California corporation, PLAY CORP LTD., an Australian :  
 business entity, ROBISON'S, INC. d/b/a POWER TRIP, :  
 an Idaho corporation, SPECTORE CORP., a Delaware :  
 corporation, TECHNICRAFT INDUSTRIES, INC., a :  
 Massachusetts corporation, THE HUT LLC, a California :  
 limited liability company, VENDING SUPPLY, INC., a :  
 Nevada corporation, WHITESIDE MANUFACTURING :  
 COMPANY, an Ohio corporation, and YOU AND ME :  
 LEGWEAR LLC, a New York limited liability company, :  
 :  
 Counterdefendants. :

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**HARVEY AND MUMFORD LLP**, attorney of record for counter-defendants, A.D. Sutton  
 & Sons, Inc., Bio World Merchandising, Inc. d/b/a Bio Domes Headgear, Boston America Corp.,  
 Briefly Stated, Inc., C-Life Group, Ltd., Coffee Legends, Inc., Desperate Enterprises, Inc., Horizon  
 NY Inc., Innovative Designs LLC, Jack Guttman, Inc., d/b/a Bakery Crafts, Kolder, Inc., Plasticolor  
 Molded Products, Inc., Robison's, Inc. d/b/a Power Trip, Spectore Corp., Stretch-O-Rama, Inc. d/b/a  
 Longstreet, Technicraft Industries, Inc., The Hut LLC, Unisystems, Inc. d/b/a Modern Publishing,  
 Vending Supply, Inc., Whiteside Manufacturing Company and W.R. Case & Sons Cutlery, and

**JONATHAN P. HARVEY LAW FIRM, PLLC**, attorney of record for counter-defendants, Clean Fun Promotional Marketing, Inc., Houston Harvest, Inc. and You and Me Legwear LLC jointly move the Court, pursuant to Local Rule 1.4 of the United States District Courts for the Southern and Eastern Districts of New York, for permission to withdraw their appearances, filed on or about February 25, 2008, as attorney-of-record for counter-defendant, Briefly Stated, Inc., filed on or about February 26, 2008, as attorney-of-record for counter-defendant, The Hut LLC, filed on or about February 27, 2008, as attorney-of-record for counter-defendant, C-Life Group, Ltd., filed on or about March 5, 2008, as attorney-of-record for counter-defendant, Robison's, Inc. d/b/a Power Trip, filed on or about March 31, 2008, as attorney-of-record for counter-defendant, Vending Supply, Inc., filed on or about April 30, 2008, as attorney-of-record for counter-defendant, Plasticolor Molded Products, Inc., filed on or about December 15, 2008, as attorney-of-record for counter-defendants, Innovative Designs LLC and Horizon NY Inc., filed on or about December 16, 2008, as attorney-of-record for counter-defendants, Desperate Enterprises, Inc. and Unisystems, Inc. d/b/a Modern Publishing, filed on or about December 22, 2008, as attorney-of-record for counter-defendant, W.R. Case & Sons Cutlery, filed on or about January 16, 2009, as attorney-of-record for counter-defendants, A.D. Sutton & Sons, Inc., Boston America Corp., Coffee Legends, Inc., Jack Guttman, Inc. d/b/a Bakery Crafts, Spectore Corp., Stretch-O-Rama, Inc. d/b/a Longstreet and Whiteside Manufacturing Company, filed on or about March 2, 2009, as attorney-of-record for counter-defendant, Kolder, Inc., filed on or about March 4, 2009, as attorney-of-record for counter-defendant, Technicraft Industries, Inc., filed on or about March 16, 2009, as attorney-of-record for counter-defendant, Bio World Merchandising, Inc. d/b/a Bio Domes Headgear, filed on or about March 24, 2009, as attorney-of-record for counter-defendant, You and Me Legwear LLC, filed on or about

April 9, 2009, as attorney-of-record for counter-defendant, Houston Harvest, Inc., and filed on or about April 21, 2009, as attorney-of-record for counter-defendant, Clean Fun Promotional Marketing, Inc. (collectively, "OCC Licensees").

**HARVEY AND MUMFORD LLP and JONATHAN P. HARVEY LAW FIRM, PLLC** further jointly move for an order directing that the moving papers filed in support of their motion to withdraw as counsel, which are being submitted *in camera*, be filed under seal and not disclosed to plaintiff, Orange County Choppers, Inc., defendant-counter-plaintiff, Olaes Enterprises, Inc. d/b/a ODM, counter-defendants, Orange County Choppers Merchandising LLC and Orange County Choppers Licensing LLC, or their respective counsel.

**JONATHAN P. HARVEY LAW FIRM, PLLC and HARVEY AND MUMFORD LLP** further jointly move for an order continuing the deadline for discovery and to be trial ready from November 30, 2009 and December 31, 2009, respectively, which dates were set by the Court on July 30, 2009, to new dates which are a reasonable period of time in the future to allow counter-defendants, OCC Licensees the opportunity to retain new counsel.

The motion to withdraw as counsel is based on a fee dispute involving unpaid legal bills, and upon the further ground that a conflict of interest has arisen among plaintiff, Orange County Choppers Inc., counter-defendants, Orange County Choppers Merchandising LLC and Orange County Choppers Licensing LLC, counter-defendants, OCC Licensees, and the undersigned counsel, as is more fully explained in the affirmation of Jonathan P. Harvey, Esq., dated September 3, 2009, submitted in support of this motion, which the undersigned seek to file under seal and not disclose to plaintiff, Orange County Choppers, Inc., defendant-counter-plaintiff, Olaes Enterprises, Inc. d/b/a ODM, counter-defendants, Orange County Choppers Merchandising LLC and Orange County

Choppers Licensing LLC, or their respective counsel.

The motion to seal the affirmation of Jonathan P. Harvey, Esq. in support of the motion to withdraw as counsel and to seal the memorandum of law submitted in support of the motion to withdraw as counsel and to seal the moving papers filed in support thereof is made on the grounds that disclosure of the specifics regarding the fee dispute and the conflict of interest among plaintiff, Orange County Choppers Inc., counter-defendants, Orange County Choppers Merchandising LLC and Orange County Choppers Licensing LLC, counter-defendants, OCC Licensees, and the undersigned counsel, would likely prejudice counter-defendants, OCC Licensees, and because defendant-counter-plaintiff, Olaes Enterprises, Inc. d/b/a ODM has no interest in the specifics of the fee dispute or conflict of interest upon which this application is based, and the motion to seal is further made to preserve the confidentiality of the attorney-client relationship between counter-defendants, OCC Licensees and their undersigned counsel.

Dated: September 4, 2009

**HARVEY AND MUMFORD LLP**

*Attorneys for counterdefendants, A.D. Sutton & Sons, Inc., Bio World Merchandising, Inc. d/b/a Bio Domes Headgear, Boston America Corp., Briefly Stated, Inc., C-Life Group, Ltd., Coffee Legends, Inc., Desperate Enterprises, Inc., Horizon NY Inc., Innovative Designs LLC, Jack Guttman, Inc., d/b/a Bakery Crafts, Kolder, Inc., Plasticolor Molded Products, Inc., Robison's, Inc. d/b/a Power Trip, Spectore Corp., Stretch-O-Rama, Inc. d/b/a Longstreet, Technicraft Industries, Inc., The Hut LLC, Unisystems, Inc. d/b/a Modern Publishing, Vending Supply, Inc., Whiteside Manufacturing Company and W.R. Case & Sons Cutlery*

By: s/  
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Dated: September 4, 2009

**JONATHAN P. HARVEY LAW FIRM, PLLC**

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